



Customer No. 26308

**PATENT**

Docket No. 8244.17527

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Stephen M. Schmidt  
Serial No.: 10/719,351  
Filed: 21 November 2003  
For: Magnetic Latching Solenoid

Group Art Unit: Unknown  
Examiner: Unknown

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



**26308**

PATENT TRADEMARK OFFICE

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN  
THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION  
(37 CFR 1.97(b))**

**NOTE:** "An information disclosure statement shall be considered by the Office if filed: (1) within three months of the filing date of a national application; (2) within three months of the date of entry of the national stage as set forth in S 1.491 in an international application; or (3) before the mailing date of a first Office action on the merits, whichever event occurs last." 37 CFR 1.97(b).

**NOTE:** The "filing date of a national application" under 37 CFR 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 CFR 1.53(b) as "the date on which: (1) A specification containing a description pursuant to S 1.71 and at least one claim pursuant to S 1.75; and (2) any drawing required by S 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by S 1.41." 37 CFR 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. S 371(c) within the periods set forth in S 1.494 or S 1.495. 35 U.S.C. S 371(c) requires the filing of the following: (1) the national fee; (2) a copy of the international application, unless already sent by the International Bureau, and an English translation if filed in another language; (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 37 CFR 1.97(b)(2).

**IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION  
DISCLOSURE STATEMENT**

The information disclosure statement submitted herewith is being filed WITHIN THREE MONTHS OF THE FILING DATE OF THE APPLICATION OR DATE OF ENTRY INTO THE NATIONAL STAGE OF AN INTERNATIONAL APPLICATION OR BEFORE THE MAILING DATE OF A FIRST OFFICE ACTION ON THE MERITS, WHICHEVER EVENT OCCURS LAST. 37 CFR 1.97(b).

**NOTE** "NO CERTIFICATION OR FEE IS DUE WHEN THE FILING IS MADE WITHIN THE ABOVE TIME PERIOD. IT IS ADVISABLE TO ENSURE THAT NO OFFICE ACTION HAS BEEN MAILED IF THE DISCLOSURE STATEMENT IS DELAYED UNTIL AFTER THREE MONTHS FROM FILING.

**NOTE:** "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 CFR 1.8, or Express Mail certificate under 37 CFR 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

**CERTIFICATE OF MAILING (37 CFR 1.8(a)) or (37 CFR 1.10)**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below as First Class Mail in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Julie A. Wolf

Type or print name of person mailing paper

Date: 2/26/2004

  
(Signature of person mailing paper)

NOTE:

"The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE:

"An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 CFR 1.142) or just a requirement for additional fees to have a claim considered (37 CFR 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING:

"A PETITION FOR SUSPENSION OF ACTION TO ALLOW APPLICANT TIME TO SUBMIT AN INFORMATION DISCLOSURE STATEMENT WILL BE DENIED AS FAILING TO PRESENT GOOD AND SUFFICIENT REASONS, SINCE 37 CFR 1.97 PROVIDES ADEQUATE RECOURSE FOR THE TIMELY SUBMISSION OF PRIOR ART FOR CONSIDERATION BY THE EXAMINER." NOTICE OF JULY 6, 1992 (1141 O.G. 63).

The submission of any document herewith is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima face* prior art reference against the claims of the present application.

Should any fees be necessary in connection with this submission, please charge same to Account No. 06-2360.

Date 2/26/2004

Reg. No. 38,957

Telephone No.: (262) 783-1300

Customer No. 26308



Signature of Attorney of Record

John M. Manion

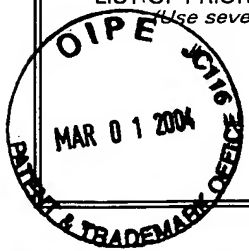
Type or Print Name of Attorney of Record

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**Milwaukee, Wisconsin 53226-0618**

LIST OF PRIOR ART CITED BY APPLICANT (Use several sheets if necessary)	ATTY DOCKET NO. <b>8244.17527</b>	SERIAL NO. <b>10/719,351</b>
	APPLICANT <b>Stephen M. Schmidt</b>	
	FILING DATE <b>11/21/2003</b>	GROUP <b>Unknown</b>



### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	6,246,131	6/12/2001	Sheng			
	6,009,615	1/4/2000	McKean et al.			
	5,912,604	6/15/1999	Harvey et al.			
	5,804,962	9/8/1998	Kather et al.			
	5,734,310	3/31/1998	Ankney et al.			
	5,598,625	2/4/1997	Bluen et al.			
	5,497,135	3/5/1996	Wisskirchen et al.			
	5,470,043	11/28/1995	Marts et al.			
	5,032,812	7/16/1991	Banick et al.			
	4,779,582	10/25/1988	Lequesne			
	4,683,452	7/28/1987	Henley			

### FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
	WO 82/03944	1982	PCT			NO
	WO 95/07542	1999	PCT			YES
	EP 0 721 650 B1	1999	Europe			YES
	GB 2 289 374 A	1995	United Kingdom			YES
	GB 2 297 429 B	1994	United Kingdom			YES

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this of with next communication to applicant.

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### U.S. PATENT DOCUMENTS

Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (If Appropriate)
	4,660,011	4/21/1987	Reiter			
	4,635,016	1/6/1987	Guery et al.			
	4,621,660	11/11/1986	Klocke			
	4,509,026	4/2/1985	Matsushita			
	4,463,332	7/31/1984	Everett			
	4,419,643	12/6/1983	Ojima et al.			
	4,315,197	2/9/1982	Studer			
	4,306,207	12/15/1981	Tada et al.			
	4,285,603	8/25/1981	Bernardis et al.			
	4,253,493	3/3/1981	English			
	4,218,669	8/19/1980	Hitchcock et al.			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No
		GB 2 112 212 A	1982	United Kingdom			YES

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	4,127,835	11/28/1978	Knutson			
	4,072,918	2/7/1978	Read, Jr.			
	4,004,258	1/18/1977	Arnold			
	3,828,288	8/6/1974	Boyd			
	3,792,390	2/12/1974	Boyd			
	3,755,766	8/28/1973	Read, Jr.			
	3,747,379	7/24/1973	Cabanes			
	3,743,898	7/3/1973	Sturman			
	3,683,239	8/8/1972	Sturman			
	3,486,352	12/30/1969	P. Bouthors et al.			
	3,473,898	10/21/1969	P. Maxfield			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

			Article: "Magnets & Vacuum - The Perfect Match", Trends in Distribution Switchgear, November 1998, pages 73-79.
			Article: "Computer Aided Optimal Design of Magnetic Actuator for Autoreclosure Application", Authors; Renforth, Auckland and Varlow, pages 80-85, date unknown.

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Examiner Initial	DOCUMENT NUMBER	Date	Name	Class	Subclass	Filing Date (if Appropriate)
	3,103,603	9/10/1963	J.L. Reutter			
	2,915,681	12/1/1959	G.P. Troy			
	2,708,245	5/10/1955	C.P. Werner			
	2,560,444	7/10/951	F.W. Jackson et al.			
	2,444,118	6/29/1948	L.H. Snyder			
	1,857,349	5/10/1932	A.S. Boehm			
	1,668,752	5/8/1928	A.E. Anderson			
	1,361,935	12/14/1920	E.C. Villiers			
	1,269,564	6/11/1918	C.T. Henderson & W.C. Stevens			

### FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	Class	Subclass	Translation Yes No

### OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

		Article : "MV Vacuum Switchgear Based on Magnetic Actuators", Trends in Distribution Switchgear, November, 1998, pages 85-90.
		Web page: Brian Mckean Associates, 8/28/2000, 6 pages.
		Article: "Fast-Acting Long-Stroke Bistable Solenoids with Moving Permanent Magnets", Transactions on Industry Applications, Vol. 26, No. 3, May/June 1990, pages 401-406 plus 2 pages.

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